

## REMARKS

Claims 23-25, 51-60, 66-67, and 72 have been cancelled. New claims 73-97 have been added. Claims 46-50, 70-71 and 73-97 are presently pending in the application.

### 1. Restriction Requirement

In the April 11, 2000 Office Action, at page 2, the Examiner entered a restriction requirement dividing the claims into the following groups:

- I. Claims 23-35 and 66-67, drawn to a method for activating a receptor;
- II. Claims 46-52 and 70-71, drawn to a method for inducing analgesia;
- III. Claims 53-60 and 72, drawn to a method for altering the binding affinity of a peptide to a receptor.

In response, the applicants elect without traverse the claims of Group II, drawn to a method for inducing analgesia. Claims 23-25, 53-60 and 70-72 have been cancelled without prejudice. The applicants expressly reserve the right to pursue the cancelled claims in a separate, copending application.

At page 6, paragraph 11, the Examiner required an election of species for Group II. In response, the applicants hereby elect species (70), "an opioid" for prosecution on the merits. The applicants note for the record that the both "enkephalin" and "[met<sup>5</sup>]enkephalin" are encompassed by the class of compounds known as "opioids." See Goodman & Gilman's, *The Pharmaceutical Basis of Therapeutics*:

The term *opioid* [applies] to all agonists and antagonists with morphine-like activity as well as to naturally occurring and synthetic opioid peptides. *Endorphin* is a generic term referring to three families of endogenous opioid peptides: the enkephalins, the dynorphins, and the  $\beta$ -endorphins . . .<sup>1</sup>

Claims 46-50, 70-71 and 73-97 currently read on the elected species.

### 2. Claim Amendments

Claim 46 and the claims which depend therefrom have been amended to recite the elected species "opioid" rather than the narrower species "enkephalin." As discussed above, enkephalins are included with in the broad class "opioids."

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<sup>1</sup> p. 521, McGraw-Hill, 1996.

New claims 73-97 have been added to recite specific aspects of the applicants' invention.

Claim 51 has been cancelled, and the individual elements of the Markush group of claim 51 have been separated into individual dependent claims 85-91. Likewise, claim 52 has been cancelled and the individual elements of claim 52 have been separated into individual dependent claims 92-97. Claims 92-97 have been written as method claims, to comport with the Group II parameters: "a method for inducing analgesia in a subject."

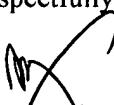
### **3. Fees Payable**

The entry of this amendment results in a total of 9 dependent claims beyond the number for which a fee has previously been paid. Consequently, a small entity added claims fee of \$81.00 is payable, and a check in this amount is submitted herewith. The U.S. Patent and Trademark Office is hereby authorized to deduct any additional fees properly payable for the entry of this Amendment from Deposit Account No. 08-3284 of Intellectual Property/Technology Law, and to credit any excess payment to same.

### **CONCLUSION**

If any issues remain outstanding, the Examiner is requested to contact William Barrett, Reg. No. 42,296, at (919) 419-9350 so that all issues may be resolved and the application may issue at the earliest possible date. In the event that Mr. Barrett is not available, the Examiner is requested to contact the undersigned at (919) 419-9350.

Respectfully Submitted,

  
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